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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Twenty-ninth session
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Item 5 of the provisional agenda*
Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women

Report provided by specialized agencies of the United Nations on the implementation of the Convention in areas falling within the scope of their activities

Note by the Secretary-General

Addendum

International Labour Organization

1. On behalf of the Committee, the Secretariat invited the International Labour Organization (ILO), on 11 March 2003, to submit to the Committee a report on information provided by States to the ILO on the implementation of article 11 and related articles of the Convention on the Elimination of All Forms of Discrimination against Women, which would supplement the information contained in the reports of the States parties to the Convention that will be considered at the twenty-ninth session.

2. Other information sought by the Committee refer to activities, programmes and policy decisions undertaken by the ILO to promote the implementation of article 11 and related articles of the Convention.

3. The report annexed hereto has been submitted in compliance with the Committee's request.

* CEDAW/C/2003/II/1.

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International Labour Organization

REPORT OF THE INTERNATIONAL LABOUR ORGANIZATION

UNDER ARTICLE 22 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Update to the information submitted in December 2002

Geneva, June 2003

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TABLE OF CONTENTS

Part I: Introduction.....5

Part II: Indications concerning the situation of individual countries.....7

Brazil
Ecuador
France
Japan
Morocco
Slovenia

Part III: Additional information

Annexes to Part II of the Report

Part I: Introduction

The provisions of article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women are dealt within a number of ILO Conventions. Of the 185 Conventions adopted so far, the information in this report relates principally to the following:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by **161** member states;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by **159** member States;
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by **34** member States.

Where applicable, reference is made to a number of other Conventions, which are relevant to the employment of women:

Forced Labour

- Forced Labour Convention, 1930 (No. 29)
- Abolition of Forced Labour Convention, 1957 (No. 105)

Child Labour

- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

Freedom of Association

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

Employment Policy

- Employment Policy Convention, 1964 (No. 122)
- Human Resources Development Convention, 1975 (No. 142)

Maternity Protection

- Maternity Protection Convention, 1919 (No. 3)
- Maternity Protection Convention (Revised), 1952 (No. 103)
- Maternity Protection Convention, 2000 (No. 183)

Night Work

- Night Work (Women) Convention (Revised), 1948 (No. 89) [and Protocol]
- Night Work Convention, 1990 (No. 171)

Underground Work

- Underground Work Convention, 1935 (No. 45)

Part-time Work

- Part-Time Work Convention, 1994 (No. 175)

Home Work

- Home Work Convention, 1996 (No. 177)

The application of ratified Conventions is supervised in the ILO by the Committee of Experts on the Application of Conventions and Recommendations (CEACR), a body of independent experts from around the world, which meets annually. The information submitted in Part II of the present report consists of observations and direct requests made by the Committee. Observations are comments published in the CEACR's annual report – produced in English, French and Spanish – which are submitted to the International Labour Conference. Direct requests (produced in English and French – and in the case of Spanish-speaking countries, also in Spanish) are not published in book form, but are made public. At a later date, they are published on the ILO's database of supervisory activities, ILOLEX.

In addition, Part III of the report includes additional information on the countries concerned including statistical tables, information on technical co-operation activities, and annexes (extracts of relevant comments of the CEACR) to Part II of the report.

Part II: Indications concerning the situation of individual countries

Brazil

Position with Regard to ILO Conventions

I. Among the relevant ILO Conventions, Brazil has ratified Convention Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 89, 98, 103, 105, 122, 138, 142, 171 and 182.

The ratification of the Night Work Convention, 1990 (No. 171) was registered on 18 December 2002 (The Convention has now been ratified by eight countries). Brazil has declared its intention to denounce Convention No. 89.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts on matters relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2001 direct request on Convention No. 100, the Committee of Experts noted with interest that Bill No. 382-B/91 was adopted by the Brazilian Congress and promulgated as Act No. 9.799 of 26 May 1999. Section 373(A)(III) of the Act prohibits, inter alia, a person's sex from being used as a determining factor for purposes of remuneration and section 401(B) of the Act provides for an administrative fine of ten times the highest wage paid by the employer, as well as a ban precluding the employer from obtaining loans or financing from official financial institutions, in the event of violation of section 373(A)(III).

The Committee of Experts also noted with interest the information provided regarding the increasing number of awareness-raising activities carried out in the context of the Brazil Gender and Race Programme, including the training events for multipliers who, in turn, have organized presentations on equality issues relevant to the application of Convention No. 100 as well as the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). It noted with interest additional initiatives taken by the Government, including the establishment of the Volunteer Civil Service (to train young Brazilian men and women to act as multipliers and promote equality policies in the labour market), the guidelines for the National Occupational Qualification Plan (PLANFOR) for 1999-2002 (which provide for preferential access to training programmes for economically and socially vulnerable persons, including female heads of household), and activities designed to improve the gender dimensions of vocational training within PLANFOR.

With regard to the enforcement activities of the Labour Inspectorate regarding violation of the principle of equal remuneration, the Committee noted with interest the case brought by the Prosecutor's Office in the State of Piauí, alleging pay discrimination against female workers (ACP No. 003/95). The Conciliation and Trial Board in Teresina found pay discrimination in its ruling issued on 6 December 1995, and the judgement was confirmed. The Committee noted that this decision represents the first of its kind in Brazil.

Convention No. 111: In its 2001 observation, the Committee noted from the Brazilian National Report on the Implementation of the Platform for Action of the Fourth United Nations World Conference on Women prepared for June 2000 (Beijng+5) that, while women's participation grows and they have greater occupational mobility, occupational segregation and the gender wage gap persist and the rate of women in unemployment had risen. The Committee of Experts noted also the statement of the Government that the situation of black women is often characterized by multiple discrimination on the basis of sex, race or colour. According to a survey cited by the Government 90 per cent of Brazilians living under the poverty line were black or mulatto and 60 per cent of the mulatto and black population work in the informal sector, while that rate among the white population is 48 per cent. The illiteracy rate was 10.6 per cent among whites, 25.2 per cent among mulattos and 28.7 per cent among the black population. The Committee of Experts noted the announcement by the Ministry of Labour and Employment in July 2001 that 20 per cent of the budget of the Worker's Assistance Fund (FAT), which was R$8.7 billion in 2000, would be invested in occupational training for the black and mulatto population, with preference given to women.

The Committee had previously noted the National Programme of Human Rights, the campaign "Brazil, Gender and Race – United for Equal Opportunities" and the establishment of Centres for the Prevention of Discrimination in Employment and Occupation, which undertake promotional activities and receive complaints. While noting that the number of complaints made to the centres has recently increased, the Committee observed that the number of discrimination complaints based on sex, race or colour remains relatively low. In the first half of 2001, the majority of complaints were based on disability discrimination, there were only four complaints because of racial discrimination (0.1 per cent) and 103 complaints of sex discrimination (3 per cent). The Government indicated that this is due to the difficulties in obtaining corroborating evidence of discrimination in such cases. The Committee pointed out that such evidentiary difficulties should not operate to bar the filing and pursuit of complaints. In this regard the Committee underscored the importance of establishing accessible and effective complaint mechanisms, procedures and remedies for victims of discrimination on grounds of sex and race. It also recalled the importance of promoting legal literacy campaigns to create awareness of workers' rights and the existence of complaint mechanisms. The Government was requested to provide information on nature and outcome of discrimination cases, full information on impact of the Government's equal opportunity policy on the employment situation of women, and the indigenous, black, and mestizo population. The Committee of Experts has received comments from the Inter-American Trade Union Institute for Racial Equality (INSPIR), which it will examine at its up-coming session in November-December 2003.

Convention No. 103: In its 1999 observation, the Committee of Experts noted that the Higher Labour Court, in a decision handed down on 2 September 1996, declared maternity leave a right guaranteed by the Constitution which can neither be negotiated nor compromised (article 7-XVIII of the Constitution and article 10(II)(b) of the transitory constitutional provisions). Article 7-XVIII of the Constitution guarantees, without prejudice to employment or salary, maternity leave of 120 days; and article 10(II)(b) of the transitory constitutional provisions proscribes arbitrary dismissals or unfounded termination of employment from the

date pregnancy is confirmed until five months after the date of confinement. The Committee noted this decision with satisfaction.

Ecuador

Position with Regard to ILO Conventions

Since the ILO has provided information on this country in December 2002, the following comments of the Committee of Experts containing information relevant to CEDAW have been issued:

Convention No. 100: In its 2002 direct request, the Committee emphasized the need for the Government to gather and provide statistical information on the distribution of men and women in the various sectors, occupations and levels of income. It also noted that the Government was unable to supply information on the number of inspections relating to wage matters and discrimination in general due to the lack of human, material and technical resources. The Committee asked for information on the activities of the National Wage Council (CONADES) and/or the sectoral committees with a view to promoting and ensuring the principles of the Convention and on detailed explanations on the methodology used for the objective appraisal of jobs.

The Committee noted the statistical information compiled by the System of Integrated Social Indicators for Ecuador (SIISE), indicating that in 1998, gender inequality affecting women in terms of income from work according to the level of utilization of the labour force increased in comparison with the previous year. Among the workers engaged in paid commercial work, 64.2 per cent are men, compared with 35.8 per cent for women. The percentage of men engaged in unpaid commercial work is 39 per cent, compared with 61 per cent for women. Finally, women carry out 98.7 per cent of domestic work, compared with 1.3 per cent for men. The Committee recalled that discrimination may arise out of the existence of occupational categories and jobs or occupations that are reserved for women and trusted that the Government would take the necessary measures to address this type of discrimination.

France

Position with regard to ILO Conventions

Since the ILO has provided information on this country in December 2002, the following comments of the Committee of Experts on the Application of Conventions and Recommendations containing information relevant to CEDAW have been issued:

Convention No. 100: In its 2002 observation, the Committee noted with interest the amendments to the Labour Code adopted on 16 November 2001 by Act No. 2001-1066 to Combat Discrimination, and in particular section 6, amending section L.140-8 of the Labour Code, respecting the burden of proof in equal remuneration cases. The Committee noted that when a worker presents facts from which it may be

presumed that discrimination has occurred, it shall be for the defendant to prove that there has been no breach of the principle of equal remuneration for men and women workers for work of equal value. The Committee also notes that new sections L.122-45 and L.122-45-2 of the Labour Code introduce the possibility for trade unions to submit equal remuneration complaints on behalf of alleged victims. It requested information on the practical application of this provisions.

The Committee also noted with interest the adoption on 9 May 2001 of Act No. 2001-397 on Occupational Equality between Men and Women, in particular, section 1 amending section L.432-3-1 of the Labour Code respecting the annual report which shall enable a comparison to be carried out of the general working conditions and training of men and women in an enterprise. Under the terms of Decree No. 2000-832 of 12 September 2000 the annual report shall include the following statistical information disaggregated by sex with respect to equal remuneration: the wage range; the average monthly wage; and the number of women workers in the ten highest wage grades. The information contained in the report must include indicators permitting an analysis to be carried out of the situation with regard to equal remuneration for men and women workers for work of equal value and that it must show the progress achieved in redressing the wage gap.

In its 2002 direct request, the Committee asked the Government to draw the attention of the social partners to the fact that the wording "equal wages for equal work" in the collective agreements does not cover the whole scope of the principle of "equal remuneration for work of equal value", which is also set forth in section L.140-2 of the Labour Code. It also noted a study provided by the Government on the differences in professional careers as from the first job, which states that the wage gap between men and women workers is greater for the new generation than for the previous generation. The Committee noted the explanation that this is caused by women workers tending to choose part-time work in order to combine work with their family responsibilities. The Government was asked to provide information on the impact of the measures adopted or envisaged to facilitate the reconciliation of work and family responsibilities.

Convention No. 111: In its 2002 observation, the Committee noted with interest that Act No. 2001-1066 of 16 November 2001 to Combat Discrimination, which amends section L.122-45 of the Labour Code, introduces the prohibition of both direct and indirect discrimination in employment and occupation and adds the following new prohibited grounds of discrimination: "sexual orientation, age, physical appearance or family name". Further, the Committee noted that Act No. 83-634 of 13 July 1983 regulating the rights and obligations of civil servants has been amended as to prohibit retaliation against a civil servant for having lodged a complaint, or for having acted as a witness to or reported discriminatory acts.

With regard to sexual harassment, the Committee noted with interest section 8 of Act No. 2001-397 of 9 May 2001 on occupational equality between men and women, which amends section L.122-46 of the Labour Code by broadening the scope of the prohibition of sexual harassment to protect applicants for jobs and training and to cover harassment not only in cases of dismissal, but also in relation to remuneration, training, reclassification, assignment, qualification, classification, promotion, transfer or contract renewal. Section L.122-46 of the Labour Code defines sexual harassment as an act by a person intended to obtain favours of a sexual nature for herself/himself or for a third person. The Committee further noted

that section 179 of Act No. 2002-73 of 17 January 2002 respecting social modernization amends Act No. 83-634 of 13 July 1983 regulating the rights and obligations of civil servants, prohibits sexual harassment in the public sector and contains the same definition of harassment as the Labour Code. While the Committee welcomed the strengthening of measures against sexual harassment, it noted the limited definition of sexual harassment and in this respect refers the Government to its 2002 General Observation on the Convention.

The Committee noted with interest that Act No. 2001-397 on occupational equality between men and women introduces the obligation to negotiate occupational equality issues every third year at the branch level and every second year at the enterprise level. Enterprises with more than 50 employees must make a detailed report on the general situation relating to equality between men and women and the report shall include statistical data disaggregated by sex on employment conditions, remuneration and training. The Act also repeals the prohibition of night work for women and promotes equal representation of men and women workers in professional elections and the elections of prud'hommes.

In its 2002 direct request on Convention No. 111, the Committee of Experts noted that 60 per cent of women in the labour force are employed in six of the 35 occupational groups classified in the country. With respect to changing attitudes in terms of choice of occupation, the Committee noted that an agreement was signed on 25 February 2000 between different ministries respecting the promotion of equal opportunities for girls and boys in the education system. A study is being carried out on the role of girls in computer sciences, electronics and textile/clothing and that the objective for the year 2000 for 35 per cent of girls to benefit from training contracts in the high technology sector. In accordance with section L.123-4-1 of the Labour Code entitling women workers with low levels of qualification to enter higher paid employment, 2,500 contracts have been concluded for mixed employment and affirmative action in support of women entering male-dominated posts. The Committee requested the Government to continue to provide information on any action taken or envisaged to encourage girls and women to enter male-dominated occupations.

Convention No. 156: In its 2002 observation, the Committee of Experts noted with satisfaction the adoption on 16 November 2001 of Act No. 2001-1066 to combat discrimination, and in particular its section 1, which amends section L.122-45 of the Labour Code, prohibiting both direct and indirect discrimination in respect of remuneration, training, reclassification, assignment, qualification, classification, promotion, transfer or contract renewal against workers due to their family situation. The Committee also noted that section 55 of Act No. 2001-1246 of 21 December 2001 on the financing of social security amends sections L.122-25-4 and L.122-26 of the Labour Code, introducing more flexible provisions on family leave to encourage fathers to make greater use of their entitlement to parental leave. It requested the Government to indicate the use made by fathers of parental leave. Finally, the Committee noted with interest the legislative amendments introducing the possibility for workers with family responsibilities to take leave or reduce their working time to care for a child, parent or a person reaching the end of their life, to care for a child suffering an illness, accident or serious disability, and the right of night workers with family responsibilities to transfer to day work when night work is incompatible with the care to be provided for a child or for another dependent person.

Japan

Position with regard to ILO Convention

Since the ILO has provided information on this country in December 2002, the following comments of the Committee of Experts containing information relevant to CEDAW have been issued:

Convention No. 100: In is 2002 observation, the Committee noted that neither the Labour Standards Act nor the Equal Employment Opportunity Act fully reflects the principle of equal remuneration for women and men for work of equal value, as contained in the Convention. The Government was asked to indicate whether it is considering amending the relevant provisions of these Acts to include the Convention's principle.

With reference to its previous comments concerning the high wage differential in the average earnings of men and women, the Committee noted that according to the Basic Survey on Wage Structure 2000 women earned 65.5 per cent of the monthly contractual cash earnings received by men. Earnings differentials continue to be lower at higher levels of education. Among university graduates, women earned 69.3 per cent of men's earnings, for graduates of higher professional schools and junior colleges the ratio was at 77.1 per cent, while the greatest difference exists at the junior high school level (60.3 per cent). The Committee also noted that the earnings of women compared to men continue to decrease significantly with increasing age: while women in the 20-24 age bracket received 91 per cent of men's earnings, the same percentage for women in the 50-54 age range is as low as 55.3 per cent. Comparing data for 1998 and 2000 on the gender composition of the labour force classified by age brackets, it appears that the participation of women remains largely unchanged and characterized by marked decline in the 25-29 age bracket. Noting that the Basic Survey on Wage Structures only covers regular employees, apparently excluding part-time and temporary workers, which contain a heavy concentration of women, the Committee could only discern that the actual remunerations gap between women and men is larger than the figures indicated in the Basic Survey on Wage Structures. It therefore drew attention to its general observation on the Convention adopted in 1998 and asked the Government to provide full statistical information, taking into account the earnings of non-regular male and female workers, if possible classified also by average hourly earnings.

With reference to its previous comments concerning wage-based employment in Japanese national hospitals and sanatoriums, the Committee recalled that it had considered the extensive utilization of temporary labour in a predominately female sector to have an indirect impact on wage levels in general, inevitably broadening the wage gap between men and women. The Committee noted from the Government's report that between 1996 and 2002 (fiscal years), the number of wage-based employees in hospitals and sanatoriums decreased by 2,240 employees, while the number of permanent employees increased by 1,587 employees, whereas external contracting for technical and practical tasks, such as cleaning or laundry, was introduced. The Committee asked the Government to continue to take measures to enable hospitals to harmonize their employment practices with their personnel needs in the light of the requirement under the Convention to ensure equal pay for

work of equal value and to take measures taken to reduce the wage differentials between the wage-based and permanent staff.

The Committee noted that according to the Japanese Trade Union Confederation (RENGO) ensuring equal treatment for regular and part-time workers is of importance in improving wage inequalities between men and women, as there is a high percentage of women engaged in part-time work. Similarly, the joint observations of the Community Union's National Network and other unions take the view that women part-time workers in the private and public sectors are often being discriminated against in respect to remuneration which amounts to indirect discrimination against women under the Convention, as most of the part-time workers were women. According to the latter observations, 37.4 per cent of all women workers were employed on a part-time basis and 93 per cent of all part-timers were women, while female part-time workers earned 44 per cent of the average hourly wage of a male regular employee and 68.4 per cent of the average hourly wage of a female regular employee (as of 1999). In its reply, the Government pointed out that efforts are being made to promote a balance between the working conditions of part-time workers and regular workers as provided for in section 3 of the Part-Time Work Act. Consultations were held during 2000 and 2001 with employers and employees, interest groups and experts on the desired future policy concerning temporary employees, including the treatment of part-time workers. The Committee observed that in situations where part-time workers are mostly women, a generally lower level of remuneration for part-timers has an adverse impact on the overall wage gap between men and women. It also recalled that the principle of equal remuneration for men and women for work of equal value applies to all workers, including part-timers. Noting that apparently in many cases part-time employees carry out very similar or identical job duties, the Committee recalls that under the Convention levels of remuneration are to be compared through an objective job appraisal on the basis of the work performed and not on the basis of the sex of the worker or the status of the contract. The Committee asked the Government to continue to provide information on measures taken or envisaged to promote wage parity for part-time workers, taking into account the principle of equal remuneration for men and women for work of equal value. It also asked the Government to provide updated statistical information, the extent to which male and female employees are hired on a part-time basis in the various economic sectors, as well as on their levels of remuneration as compared to full-time employees, on the basis of average hourly earnings.

Recalling its comments concerning the use of career tacking systems in Japan as a gender-based employment management system, the Committee noted that according to the Basic Survey of Employment Management of Women 2000 the ratio of companies using such systems which employ both men and women on a "super track" (engagement in planning jobs with possibility for transferral throughout the country) increased to 46.5 per cent in 2000 from 42.4 per cent in 1998 and that the number of companies using career tracking systems decreased for the first time. The Government considered that this development may be the result of the administrative guidance, including corrective measures against employers, given by the Equal Employment Departments of the Prefectural Labour Bureaux in relation to the Equal Employment Opportunity Act and the guidelines concerning employment management differentiated by career track. The Committee noted that the statistical information provided by the Government does not allow for an assessment of the

extent to which women are actually employed on career tracks, where such exist. The Committee also noted from the joint communication from a number of workers' organizations that, in practice, the existence of the two-track system provides opportunities for distinctions to continue to be made indirectly on the grounds of sex, which negatively impact on women's ability to earn remuneration equal to that of men for work of equal value. The Committee noted the decision of the Tokyo District Court of 20 February 2002 in respect to Cases Nos. 24,224 and 12,628. In this case brought by a group of female employees against their employer, the Court held that the separate-track hiring and treatment of women and men applied by the employer was gender based and violated article 14 of the Constitution (equality under the law), and section 6 of the Equal Employment Opportunity Act. The Committee urged the Government once again to take the necessary measures to ensure that career tracking systems are not being used in a manner either directly or indirectly discriminatory against women and to provide information on the application and monitoring of the guidelines concerning employment management differentiated by career track at the enterprise level, as well as information on the guideline's impact on the wage differential between men and women, including statistics on male and female participation in each track.

The Committee noted further that dispute adjustment commissions are to be established at the Prefectural Labour Bureaux under the 2001 Act on promoting the resolution of individual labour disputes to replace the Equal Opportunity Mediation Commission. The Committee asked the Government to supply information on the cases concerning wage discrimination on the basis of gender brought before the dispute adjustment commissions under the Equal Employment Opportunity Act. The Committee also noted that during the period from 1996 to 2001 labour inspectors found 58 cases of violations of section 4 of the Labour Standards Act, but that no case was referred to the Prosecutor's Office.

Morocco

Position with regard to ILO Convention

Since the ILO has provided information on this country in December 2002, the following comments of the Committee of Experts containing information relevant to CEDAW have been issued:

Convention No. 111: In its 2002 direct request, the Committee of Experts, recalling the continuing delay in the adoption of a new Labour Code, noted that the draft Code had been submitted to Parliament and that it expressly prohibits all forms of discrimination. According to the information sent by the Government, section 9 of the draft Code prohibits "all discrimination based on race, colour, sex, invalidity, civil status, belief, political opinion, trade union affiliation, national extraction or social origin the effect of which is to breach or impair the principle of equality of opportunity and treatment in employment and occupation, particularly in hiring, the administration and distribution of work, vocational training, remuneration, promotion, enjoyment of social privileges, disciplinary sanctions and dismissal". The Committee hoped that every effort would be made to adopt and apply this text.

Noting that the Government was unable to send statistical information on employment and training for women, the Committee again stressed the importance of obtaining reliable statistics of the number of men and women in a given occupation in both the private sector and the public sector. The Committee also asked the Government to send information on the effective measures taken to promote the access of girls to primary and secondary education establishments and to set up programmes to reduce the female illiteracy rate, to facilitate acquisition of skills and vocational training for women. Finally, the Committee requested information on tangible progress made in implementing the ministerial programmes to enhance the status of women in terms of their access to and participation in employment in all areas and in decision-making.

Slovenia

Position with regard to ILO Conventions

Since the ILO has provided information on this country in December 2002, the following comments of the Committee of Experts containing information relevant to CEDAW have been issued:

Convention No. 111: In its 2002 observation, the Committee of Experts noted the adoption of the Labour Relations Act of 24 April 2002, which prohibits discrimination on all the grounds set forth in the Convention. The Act specifically prohibits indirect discrimination and shifts the burden of proof in sex discrimination cases, expressly bans discrimination in job advertisements, provides for the principle of equal remuneration for men and women and the employer's responsibility for providing a working environment free from "undesired treatment of sexual nature, including undesired physical, verbal or non-verbal treatment or other sexually based behaviour". Noting that the Act will enter into force on 1 January 2003, the Committee asks the Government to provide information on its implementation.

The Committee also noted comments by the International Federation of Free Trade Unions (ICFTU) to the effect that there was a gap between male and female wages across the economy, mostly because senior positions and positions with high remuneration tend to be filled by men. The Government stated that the measures taken in the framework of the Employment Policy Programme implemented by the Employment Service of Slovenia (EES). In this context, the Committee noted that the unemployment rate decreased to 12.2 per cent in 2000 and that 50.7 per cent of the registered unemployed persons are women. However, women are not on the list of the target groups of the Employment Policy Programme and data on the gender structure of participation in the employment and training programmes have not been collected. Further, the Committee from the Statistical Yearbook 2000 of the Republic of Slovenia that men's average gross earnings are higher than women in all sectors of activity, and that in most sectors of activities, the lower the level of education, the higher the difference in earnings between men and women. It noted sharp differences in the sectors of public administration, education and health and social work, which traditionally employ a large proportion of women. The Government acknowledged that de facto equality between women and men could

not be achieved merely by means of legislation, but that it also requires affirmative action.

In its 2002 direct request, the Committee noted that 7,367 inspections on employment relations were carried out in the year 2000, and that 5,305 violations were established. However, it noted that the report on the work and activities carried out by the Labour Inspectorate in 2000 did not point to any employment discrimination. Recalling that it is important that labour inspectors be properly trained with regards to issues concerning equality of opportunity and treatment, so that they may offer pertinent control, advice and information in this area. Therefore, the Committee asked the Government to supply information on the initiatives taken with a view to reinforcing the action of the Labour Inspectorate, by training inspectors in matters concerning equality, recruiting specialized staff, and strengthening the participation of workers' representatives in the process of inspection.

ECUADOR: INFORMATION FOR THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

1. Latest comments by the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO) concerning the situation of women in the framework of the Equal Remuneration Convention (No. 100) and the Discrimination (Employment and Occupation) Convention (No. 111)

With regard to application of the principle of equal remuneration for work by men and women as set forth in Convention No. 100, the Committee of Experts referred in its comments, inter alia, to the low participation of women in private sector employment, judging from the statistical information provided by the Government to the International Labour Office.

The Committee of Experts requested the Government to provide statistical information on the percentages of men and women employed in particular sectors of the economy in order to find out whether any kind of occupational segregation existed based on stereotypes as to which activities were normal for women.

The Committee of Experts also highlighted the importance of applying objective job evaluation methods in order to measure and compare objectively and analytically the relative value of the different tasks performed by men and women.

In its comments on the implementation of Convention No. 111, the Committee of Experts indicated that the Government should supply the Office with information about the amendments to the Cooperatives Act, under which married women must have their husbands' permission to become shareholders in agricultural housing or kitchen garden cooperatives. It also stated that there was a need to amend other provisions of the Act and of the Commercial Code, which placed restrictions on women on grounds of sex.

2. Situation of girls in the agricultural and domestic sectors and girls affected by sexual exploitation

The following conclusions are based on the research conducted by the ILO/IPEC[1] programme in Ecuador on labour by girls in agriculture and domestic work and girls affected by commercial sexual exploitation. The project was carried out over a four-month period in the first half of 2002. Each type of work was studied in a different city or area. Child labour in the agricultural sector was studied on the outskirts of the city of Chone (Province of Manabí), domestic work in the city of Ambato (Province of Tungurahua) and commercial sexual exploitation in Guayaquil (Province of Guayas). The studies show that for children in Ecuador agricultural work, domestic work, and sexual exploitation are stages of the same process. The transition from one to the other is in response to a search for better opportunities.

The study noted the following common characteristics among children trapped in agricultural and domestic work and sexual exploitation:

- Few educational and cultural opportunities (social marginalization);
- Background of ill-treatment and neglect;
- Migration in search of work;
- Idealization of urban life and flight from rural life.

Abuse and social exclusion begin with the agricultural phase, where they take different forms depending on gender. Boys tend to begin paid labour early, and that has a direct impact on their schooling levels. Although they earn a wage, which would appear to be an advantage over the girls' situation, most of it goes to support the family. Girls are responsible for reproductive tasks and productive domestic work. The lack of access to the labour market is a result of gender roles. A few girls manage to get hired as agricultural workers, others supplement domestic work with agricultural work and most perform agricultural work but within their own domestic sphere.

In the areas studied there are three types of job markets available to girls: nearby farms (where they clean, do the laundry and prepare food for the workers); paid domestic labour in nearby cities; and, third, migration to the large cities in search of opportunities.

It is in domestic labour that violence reaches the highest levels and is most concealed. In this sector slavery-like practices persist which permit, with little reaction from society, child labour for no wages, with no respite and with ill-treatment and sexual harassment and abuse by employers or their children.

The slavery-like conditions are tolerated basically because of the children's previous suffering and/or as a necessary means of obtaining some type of well-being.

Loneliness, lack of communication, abuse and ill-treatment cause children to turn to new strategies to escape their situation, either emotional strategies, such as early marriages enabling them to quit their jobs, or work strategies, seeking jobs that will provide them with higher income levels enabling them to become independent. In these successive searches, if the aggression, violence, helplessness and

[1] International Programme on the Elimination of Child Labour.

desperation experienced reach intolerable levels, the transition to sexual "work" occurs almost imperceptibly. All those involved in the sex industry have experienced high levels of domestic violence, physical or sexual or both, in addition to various kinds of abandonment, unstable affection or neglect, involving a more serious and silent type of violence: emotional violence. Because of their different sex-linked roles, boys suffer more than girls from emotional violence. The study has shown that it is the combination of these violations of children's integrity, whether in the social, economic or family sphere, that pave the way for entry into the world of sexual exploitation, an environmental that reproduces and perpetuates the abusive conditions.

The three types of work are characterized by conditions conducive to violence on the part of employers, in a "no-man's land" where the violations are many and varied, affecting education, health, quality of life, job opportunities, decent wage and physical, emotional and sexual integrity.

The problem of children treading a path of abuse and exclusion has its root in culturally accepted situations of violence and abuse. We believe that the first step to be taken is to initiate a process of cultural change that will make it possible to foster and implement children's rights. This is a slow process, but one that is indispensable for the development of Ecuadorian children. The study suggests the use of media campaigns to build a culture of full protection; the establishment of places where children and young people can develop, designed and created to permit interaction with peers on a basis of healthy relations, respect and participation; the building of monitoring networks aimed at identifying and either caring for children in critical situations or diverting them from such situations; and working at the family and community levels on all matters relating to abuse and ill-treatment. The study recommends reviving and strengthening many existing experiments in the country, such as those carried out by the community ombudsmen's offices; the Central Bank's Working Child Programme (PMT); the Women's Political Coordinator; the Citizen Action Programme in Children (ACT) of the National Institute for Children and the Family (INNFA); the Italian International Cooperation (COOPI) programmes; and existing women's and children's organizations and networks for children's and adolescents' rights.

The full IPEC reports will appear on the ILO web site (www.ilo.org) during the second half of 2003.

Lastly, I am attaching four statistical tables on the situation of women in Ecuador.

M. Castro Fox
Égalité

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